

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

Felix Sardisco, <i>et al.</i>,)	CASE NO. 1:13 CV 2701
)	
Plaintiffs,)	JUDGE PATRICIA A. GAUGHAN
)	
Vs.)	
)	
Direct Import Home Decor, Inc., <i>et al.</i>,)	<u>Order</u>
)	
Defendants.)	

This matter is before the Court upon Plaintiff's Motion for Sanctions (Doc. 46). The Court previously denied all aspects of plaintiff's motion with the exception of the part addressing the conduct of defense counsel at a recent deposition. The Court requested that defense counsel respond to that section and the matter is now ripe for review. Plaintiff's request for sanctions is DENIED.

Plaintiff argues that defense counsel acted rudely and aggressively at the deposition of plaintiff Sardisco. The transcript confirms that defense counsel repeatedly told plaintiff's counsel that he would "make her leave" the deposition. In addition, defense counsel indicated to

plaintiff himself that counsel raised his voice because it was the only way plaintiff would answer questions. Plaintiff's counsel further argues that defense counsel intimidated plaintiff by banging his fist on the table. In response, defense counsel argues that throughout the entire deposition counsel for the plaintiff routinely interrupted the deposition and attempted to answer questions on the plaintiff's behalf. The record cited by defense counsel supports this argument.

Upon review, the Court declines to impose sanctions at this time. Although the Court is disturbed by the behavior of defense counsel, the Court also notes that plaintiff's counsel did not abide by the rules governing depositions. The Court cautions defense counsel, however, that regardless of how frustrating or difficult an opposing counsel may be, the type of conduct he displayed is never appropriate. The rules governing attorney ethics require counsel to behave in a respectful and professional manner. The Court notes that any further behavior along these lines will be sanctioned in the future. The Court further instructs counsel for plaintiff that interrupting and answering questions during a deposition constitute improper behavior. The Court will also not tolerate such actions.

IT IS SO ORDERED.

/s/ Patricia A. Gaughan
PATRICIA A. GAUGHAN
United States District Judge

Dated: 11/12/14